

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN RE:

VICKY RODRIGUEZ TORRES

Debtor(s)

VICKY RODRIGUEZ TORRES

Plaintiff

Enid López-López
Guillermo Camba-Casas
Mariela Rexach-Rexach
Government Development Bank
PR, et als.

Defendant(s)

CASE NO. 09-10864 BKT

CHAPTER 7

ADVERSARY NO. 10-00137 BKT

TRANSMITTAL OF RECORD ON APPEAL

Appeal pursuant to 28 USC Section 158(a)(1) filed on February 1, 2011 (docket #68). Parties included in the appeal:

Appellant: Vicky Rodriguez Torres (plaintiff)

Attorney: William E. Melendez Melendez, Esq.
(USDC-PR 226902)

Appellee: Enid López-López
Guillermo Camba-Casas
Mariela Rexach-Rexach
Government Development Bank PR

Attorney: Sonia Colon Colon, Esq.
(USDC-PR 213809)
Andres C. Gorbea del Valle
(USDC-PR 226313)

ORDER APPEALED:

OPINION AND ORDER: (see order for further details) Defendants motion to dismiss shall be, and hereby is, GRANTED. Plaintiff shall pay the Defendants' fees and expenses. The Defendants are ordered to submit a motion within fourteen (14) days setting forth fees and expenses incurred in defending this adversary proceeding. Judgment will be entered accordingly. Order due by 2/11/2011. (RE: related document(s) 11 , 48 , 56). Signed on 1/28/2011.(LOPEZ QUINONES, MARISOL) (Entered: 01/28/2011)

DESCRIPTION OF MATTER APPEALED:

1. **Fed. R. Civ. P. 12(b)(6)** requires analysis of the legal sufficiency of the complaint.
2. **Fed. R. Civ. P. 12(b)(6)** requires court to assume that Appellant's factual allegations are true in determining sufficiency of the complaint.
3. **Fed. R. Civ. P. 12(b)(6)** precludes court from disregarding Appellant's factual merits of the case.
4. **Fed. R. Civ. P. 12(b)(6)** precludes court from determining that Appellee's factual allegations are true.

Designation in Appeal filed on: 2/10/2011 (#74)
Counter-designation filed on: NONE FILED
Exhibits Designated and Included <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If no, please explain: None filed
Transcript Designated and Included <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If no, please explain: no transcript requested

The following documents are also included:

1. Case docket Summary
2. Notice of appeal (#68)
3. Election to appeal to District Court (#69)
4. Amended Order & Opinion (#73)

I hereby certify that I have forwarded via mail a copy of the transmittal to the following parties:

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1 San Juan, Puerto Rico, this 24th day of March 2011.

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4 S/MARISOL LOPEZ

5 Deputy Clerk

6 DISTRICT CLERK- Please return second copy with portion below
7 completed

8 Date: _____ By: _____

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11 USDC Appeal Number: _____

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